

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Febvre *et al.*

Appl. No.: *To Be Assigned* (Divisional of Appl.
No. 09/440,468; Filed: November 15, 1999)

Filed: Herewith

For: **Method and Apparatus for Controlling
Transmissions in Communications
Systems (As Amended)**

Confirmation No.: *To Be Assigned*

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 1487.0150001

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of

the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

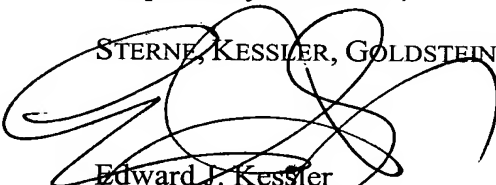
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. Copies of the documents are submitted herewith.
- ☒ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No.09/440,468, filed November 15, 1999, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Edward J. Kessler
Attorney for Applicants
Registration No. 25,688

Date: March 12, 2004

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Washington, D.C. 20005-3934
(202) 371-2600

FORM PTO-1449

INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1487.0150001APPLICATION NO.
To Be Assigned (Divisional of Appl. No.
09/440,468; Filed: November 15, 1999)FIRST NAMED INVENTOR
Paul FebvreFILING DATE
HerewithART UNIT
*To Be Assigned***U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,771,459	06/1998	Demery <i>et al.</i>	455	517	
	AB1	5,790,939	08/1998	Malcolm <i>et al.</i>	455	13.2	
	AC1	5,699,355	12/16/1997	Natarajan			
	AD1	5,363,374	11/08/1994	Zein Al Abedeen <i>et al.</i>			
	AE1	5,222,249	06/1993	Carney			
	AF1	5,608,721	03/1997	Natarajan <i>et al.</i>			
	AG1	5,684,802	11/1997	Perreault <i>et al.</i>			
	AH1	6,078,572	06/2000	Tanno <i>et al.</i>			
	AI1	6,327,254	12/2001	Chuan, Mooi Choi			
	AJ1	6,430,172	08/2002	Usui <i>et al.</i>			
	AK1						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	0 722 228 A2	07/1996	EP	H04B	7/212	Yes No
	AM1	WO 89/11126	11/1989	PCT	G06F	7/04	Yes No
	AN1	WO 98/25358	06/1998	PCT	H04B	7/26	Yes No
	AO1	WO 99/34521	07/1999	PCT	H03M	13/12	Yes No
	AP1	2 095 516 A	090/1982	UK	H04J	3/06	Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	1	Asker, J.R., "INMARSAT-3: The New Stars of Mobile Satellite Communication," <i>TRANSAT</i> , Issue 36, January 1996, pp. 15-18.
	AS	1	Partial European Search Report issued October 10, 2002 for Appln. No. EP 99 30 9029, 1 page.
	AT	1	European Search Report for Appln. No. EP 99 30 9029, January 13, 2003 (date of completion of search), 7 pages.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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	AA2						
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	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS

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	AL2	2 259 387 A	03/1993	UK	H04L	5/00	Yes No
	AM2	2 270 815 A	03/1994	UK	H04Q	7/04	Yes No
	AN2	2 277 232 A	10/1994	UK	H04B	7/212	Yes No
	AO2	2 290 924 A	01/1996	UK	H04M	1/72	Yes No
	AP2	2 301 734 A	11/1996	UK	H04B	7/212	Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>2</u>	Japanese Patent Abstract entitled "Radio Packet Communication System;" for JP 1042951 (February 1989).
	AS	<u>2</u>	
	AT	<u>2</u>	

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	AA3						
	AB3						
	AC3						
	AD3						
	AE3						
	AF3						
	AG3						
	AH3						
	AI3						
	AJ3						
	AK3						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	2 319 699 A	05/1998	UK	H04L	12/56	Yes No
	AM3	2 320 162 A	06/1998	UK	H04Q	7/28	Yes No
	AN3	2 343 594 A	05/2000	UK	H04J	3/16	Yes No
	AO3	0 535 762 A1	04/1993	Europe			Yes No
	AP3	0 719 062 A2	06/1996	Europe			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	
	AS	<u>3</u>	
	AT	<u>3</u>	

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA4						
	AB4						
	AC4						
	AD4						
	AE4						
	AF4						
	AG4						
	AH4						
	AI4						
	AJ4						
	AK4						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4	WO 94/21063	09/1994	PCT	H04J	3/16	Yes No
	AM4	WO 98/21834	05/1998	PCT	H04B	1/713	Yes No
	AN4	0 748 061 A2 & A3	12/1996	Europe	H04B	7/185	Yes No
	AO4	DE 44 32 926 A1	03/1996	Germany	H04B	7/26	Yes No
	AP4						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>4</u>	
	AS	<u>4</u>	
	AT	<u>4</u>	

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